G R S App I IX 4]

Previous References
ML 121-41-12

1941 -
(ML)

File No 128-41
Serial Nos 15, 34, 35
36

Later References
& 30 of 45 (CB 294-45-1).
ML 3-52-42, 43, 45
ALM 239 TBA62

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for August 42

SUBJECT

Presentation of addresses and arrangement of civic receptions by the Local Bodies

To,
The DC's of Districts
The M C Bodies
The President, Mysore City Municipal Council
The Presidents of Dist Boards,
The Comptroller
L 1152-72 d 28 7 42
Issues early in the matter an instruction

5155/L

Presentation of an address to Mr H Siddiah, Mysore Congress President by the Chitaldrug Town Mnl (1 Encl)

General and Revenue Secretariat

MC File No of 1941 [App F III—2

Serial No

From The D C Chitaldrug Dt
Letter No A6-C2843/41/3/1342

States that the Chitaldrug Town municipal Council has resolved on 28 2 42 on the motion of Mr S Ranga Rao, a member of the mnl C, to present an address to Mr H Siddiah Congress President (Mysore) on the occasion of his visit to the place, the cost thereof being borne by the members of the Council and that the said resolution has been suspended by him and a show cause notice has been issued to the President of the mnl Council as to why the said resolution should not be cancelled

2) It is stated that the proposal of the Chitaldrug Town municipal Council to present an address to the Congress President Mr H Siddiah is not a matter connected with the municipal administration and is clearly in violation of the provisions of the T M Act 1933 He ce the resolution to been suspended and a show notice to show cause why the resolution should not be cancelled has been issued to the President of the mnl Council A further report is promised after the receipt of a reply from the Prst of the mnl C Its receipt will be awaited if asked No further action appears called for on this for the present—

Submitted for favour of perusal

Secy Law Dept 1 JUL 1942 Govt of Mysore

Office of the Director FQ L S G & P H Dt 5 3 42 No 5345

4/3

2) Law Secy) 4/3/42

4/3

3) For perusal

Minister) L S G)

Dewan)

Hm 2 5 3 42

4/3/42

7 3 42

NOTE—Contn Sheet

WD 04155—GPB—55 000—29-10-41

8/3/42

Encl A 9/3/42

DEWAN'S OFFICE 9 MAR 1942 7741

✓ presentation of an address to Mr H Sedaka Mysore Congress president, by Chalakudy Town Mun. Co

M4 File No	of 194 /	General and Revenue Secretariat

Serial No

Letter no A6 C 2843/41-42 dated 7-3-42 from the Deputy Commissioner Chalakudy Divn - stating that the Chalakudy Town Municipal Council have resolved to carry out the works in connection with the presentation of an address to Mr H Sedakah and requesting that their resolution may be suspended under Section 194(2) of the Mysore Town Municipalities Act -

6) The resolution of the Chalakudy Town Municipal Council (in reply to the notice of the Dy Comr to show cause why their resolution should not be suspended) is submitted for perusal The Mun Cl have really worded the resolution in an objectionable manner and it is not a satisfactory reply to the notice issued by the Dy Comr - Flag D

7) The request of the D C to suspend the resolution is submitted for orders

Vide 9 3 42 8) Section 194(1) is proctd to the D C Cochin and notn suspend the Resolution Section 194 (2) & the note thereunder are perhaps for the purpose of confirming the D Cs order on a permanent basis The second Resolution seems to -

Presentation of an address to Mr H Siddanah by the Chitaldrug Town Municipal Council

General and Revenue Secretariat | ML File No 5755/L 5327/L of 1941 | [App F III—2

Serial No	
	betrays a lack of the proper sense of proportion on the part of the Council
9	9) The letter from the DC Chitaldrug dated was received yesterday at 5 P M and it is for perusal
	10) The DC requests that his order suspending the resolution of the Chitaldrug Town Municipal dated 28/3/42 proposing to present an address to Mr H Siddanah on the occasion of his visit to Chitaldrug may be confirmed under the provisions of Sec 194 of the D M Act. In view of the facts stated by him
	11) Map D contains the resolution passed by the Chitaldrug Town Municipal on the 6th March last in reply to the notice issued by the DC asking the Municipal to show cause why the resolution dated 28/2/42 which were beyond by him under Sec 194(1) of the D M Act should not be cancelled by the Govt
	12) The resolution dated 6/3/42 is unhappily worded in that it does not indicate whether the address is proposed to be presented in the name of a local bo

NOTE—Co tn heet

i) presentation of an address to Mr H Siddaiah by the Chitaldrug Town Mun Ct 5/3/42

ML File No of 194 / | General and Revenue Secretariat

Serial No

like the Chitaldrug Town Mun Ct. In the circumstances, it is for orders if the D.C's order disposing the resolution dated 28/2/42 may not be confirmed, as the reply received from the local body is not convincing and the resolution in question is unlawful for reasons given by the D.C in his order dated 13 Mar. The D.C wants orders by wire about yesterday

Law Secy) 14/3/42

SECY LA DEPT 7902 MYSORE

13) For consideration

Minister) LSG) DCivan)

Hm 2 10/3/42 Jms

14) This proposed case has been submitted on the 10th alone for orders. Before any action is taken on the recommendation by the D C the Municipal Council has to be given an opportunity to explain its attitude

Jms 12 3 42

13) MLL 14/3/42

Hm 16/3/42 Jms

MLL Received 18/3

presentation of an address to Mr Seddaiah by the Chittaldrug Town MC (5

5392/5

General and Revenue Secretariat | MC File No | of 1941 | [App F III—2

Serial No	
	Letter no A6 c 2843/41-42 d 11 3 42 from the Dy Comr Chitaldrug stating that the Chitaldrug Town Mcl presented an address to Mr Seddaiah on the 9th instant, in defiance of the Dy Comrs orders and requesting in the circumstances to warn the Municipal Council this time if it is not to be superseded.
	16) Minutes of the Minister for L S G and P H on the P U D
	17) Please put up the connected files (sd) H G 18 3 42
	18) Submitted with the connected file
	19) A draft letter to the D C Chitaldrug is also put-up (refer para 14 supra)
	Kms 19/3/42 20) In his letter dated the 11th March 1942 the D C recommends that the Chitaldrug Town Mcl may be warned by the Govt It is not known under what provision of law this is proposed, and in the absence

3—Contn Sheet (Form A 1933)

WD 04155—GPB—55 000—23 10 41

Attitude of the Chitaldrug Town Municipality

5332

File No | of 194 | General and Revenue Secretariat

Serial No

for a specific provision under the Statute, the proposed action would not be proper.

9) The correspondence shows that the action taken by the Chitaldrug Town Municipality is clearly contrary to the directions contained in reference to Sec 27 (3) of the T.M. Act and the instructions issued in G.O. dated 9/12/1937 as the resolution does not relate to matters connected with the administration Secondly, the Municipality has flagrantly defied the Suspension order passed by the D.C Chitaldrug and has exceeded/abused its powers relying on the strength of the majority in the Municipality The defaulting members may perhaps be pointed out to the Municipality and it may be asked to show cause why it may not be superseded as contemplated under Sec 202 of the T.M. Act This is for consideration and orders

May be intimated Hm 23/3

Reference paras 14, 15 & 17 of the notes supra

Lord Lieutenant

10) The conduct of the Municipality is far from being satisfactory It has defied

GOVT OF MYSORE

Attitude of the Collectors towards Municipal

5155/L (7

General and Revenue Secretariat — File No — of 194 — [App F III-2

Serial No

DEWAN'S OFFICE
27 MAR 1942
No 8342

C & T
F L & G & P
D 28 3.1942
No 2819

the express orders of the D C It has abused its powers yet, I do not think that this is a fit case for Government to exercise their power to supersede the M Council They may be warned & intimated that they would be superseded if they behave like this in future

Hunter
2 S 9)

Hm
2
23/3/42

2) Nothing can be done now. The question may be dropped

24 3 42

Dewan)

Hm
2
25 3 42

3) This question is likely to arise in a number of cases and it is better to give the D Cs and other officers concerned some general instructions as to how they should act having regard to the provisions of law

4) So far as this case is concerned, we want a clear statement as to 1) whether the order passed by the DC was valid and 2) if so, how is disobedience of such order to be dealt with?

I shall be glad if the opinion of the Govt Advocate General is called for

Hill
29/3/42

NOTE—Cont Sheet

WD 141 G1 B—65 000— 3 10 41

8 Attitude of the Chattisgarh Municipal Council

File No 5392/1 of 194 | General and Revenue Secretariat

Serial No

2) for perusal
Minister
K S G)

Hm 2 30/3/42 for 4.4.42

OFFICE OF THE CT P FD L S G & P H Date 31.3.1942 No 5964

Hm 6/4/42

3) May the file be sent to the Advocate General as ordered above?
8k 6/4/42

Lawsec/Dy Secy

SECY LAW 2867 GOVT O

4) Yes

Hm 7/4/42

5) forwarded with compliments to the Advocate-General in regard for favour of an expression of opinion on the points referred to in para 2 of the note dupn

B O
Dy Secy to Govt
Mysore Law Secy

MP 391 dtd 7/4/42
FDN 763
4-42
dy 7 4 42

Returned with compliments

33) Municipalities being creatures of statutes must find power for their acts within the four corners of those statutes which create them just as, for example, Joint Stock

No DN 119
4-42
dy 7 5-42

Stock Companies have to within the Memorandum and Articles of Association and whatever does not fall within them, either expressly or by necessary implication, will be ultra vires of their scope - One of the consequences of exceeding such authority will be that the expenditure involved in such activities cannot come out of the Municipal fund and municipal property movable or immovable, cannot be used for such purpose, for the same reason, no legal rights in the corporation can be created nor can they fasten obligations on others by ultra-vires acts so as to compel their performance through a Court of law

34) Does presenting an address come under the - above description?

35) It would not have given difficulty in answering the question in the negative but for the existence of sub-section (o) of Section 58 which expressly - permits utilization of Municipal fund in certain conditions for giving an address, which I take it is included in the phrase "public reception, ceremony or entertainment" The necessary implication of this clause is in my opinion, that the - 'public reception','ceremony' or 'entertainment' is not per se an act ultra vires of the Municipality, only, for it to incur expenditure certain - statutory requisites are necessary such as prior authorisation of the Deputy Commissioner, the - necessary voting strength at a duly called meeting and so on

M1 36) Tradition associates with Municipalities the presentation of addresses to ~~Municipalities~~ persons

(5)

persons even though the act has no connection with - Municipal administration strictly construed The - local public wish to express their esteem for certain persons for reasons which in their opinion are good and the best vehicle to convey the feeling of the - locality is naturally, the institution which represents that locality in the widest and most representative sense and that obviously is a municipal corporation and its power to voice the feeling of the - public was limited so far as its fund was concerned, by the conditions laid down in sub-section (o) of Section 58 referred to above

37) It is only in this way, I think the situation where without a 'civic reception ceremony or entertainment' being expressly enumerated as one of the obligatory duties (Section 55) or optional function (section 56), to vote money for that purpose is - given in section 58 (o) of the Act can be explained

38) Another line of reasoning adopted in this connection is somewhat as follows Presentation of ~~an~~ address ~~including~~ involving expenditure of municipal money is intra vires, but not the bare address without a debit to the Municipal fund, because, there is no provision for it But Clause (o) is I think merely - restrictive, it is a safeguard against extravagance, a check against exuberance of sectional or party loyalty, and this very restriction is grounded upon an assumption that the power to give address is vested in the municipal bodies who are free to choose the person for honour but not free to spend in showing such honour Such an assumption is legitimate and necessarily implied in section 58 (o) The greater includes the less,

according

according a civic reception includes spending money and when the latter is intra vires, a fortiori, the former

35) There is an order of the Government No L 5038-47/M1 133-37-1, dated 4/12/1937 which says that resolutions (of condolence to persons convicted by Courts under penal provisions) are"unconnected with municipal administrations" That order does not relate to a matter connected with "civic reception, ceremony or entertainment " contemplated in Section 58 (o) now under discussion

36) If it were not for sub-section (o) of section 58 and so to say the atmosphere of traditional association of civic addresses with municipal bodies in which that clause came to be enacted, one could have said without hesitation that the act would undoubtedly be ultra-vires

A

37) In this view of the matter, the order of the Deputy Commissioner, Chitaldrug District, dated the 1st March 1942, No A6 C 2843/41-42, does not seem to be valid as his previous sanction was not required since no part of municipal fund was proposed to be expended

38) If the opinion recorded above be correct, Question No 2 in the Dewan's minute (Para 26 of the notes) does not arise All the same, I propose to answer it as it would become necessary if the Government should be pleased to hold that resolutions of the kind are ultra-vires

15

43) Confining only to the Municipalities' Acts, and overlooking other possible methods such as prohibitory orders

orders under penal provisions, I am unable to find ~~xxxxxxxxx~~ any appropriate provision preventive (passing orders not to pass resolutions) or punitive (punishing the contravention of such orders) Such of the Municipal councillors or servants who have used municipal property of any kind including its funds without satisfying the requirements of section 58 (c) will be personally liable as wrong-doers But, I do not think supersession or intimation of its possibility is appropriate as it would mean punishment of even those who opposed the resolution It would be equally difficult to single out the supporters of the offending resolution for punishment under section 14 as the recommendation of the Municipal Council is a pre-requisite for the Government to take action thereunder and ex-hypothesi, a majority cannot be had I think there is no appropriate section for such orders in the Act as it stands

4) The answers to the two questions raised in the Dewan's minute are

(1) The Order of the Deputy Commissioner, Chitaldrug District is invalid, and

(2) Even if it be valid, its disobedience cannot be properly punished

Advocate-General

H/6 5 1942

5) A different view from that taken by the Advocate-General at 'A' on the previous page has been adopted by the Government on 23 11 41 vide 76 P S P when a similar question came up before Govt from the Mysore Municipality in regard to

5342 Attitude of the Chitradurga Town Municipal Council (13)

General and Revenue Secretariat — File No — of 194 / ~~[App F III—2~~

Serial No

to a Resolution for giving an address to Mr Siddiah, Congress President

46) Under S 194 (1) of the Town Municipalities Act, the D C has the power to suspend such Resolutions if the giving of an address would lead to a breach of the peace, on account of party feelings that might exist in a certain place No specific punishment is provided for the disobedience of such an order Perhaps, the Superintendent under S 202 alone in case of persistent disobedience seems to be the Remedy in such cases

Reference paras 25 to 27 Supra

Minister (L S G) / Dewan) 47) I shall speak to the Dewan

Hm 2 8/5/42 from L S G 13 5 42

48) This case stands on a different footing from that of the Mysore Municipality where the official president struck out a ruling he gave in the matter there being a non official president who chooses to allow the resolution

49) The D C having overall taken

NOTE—Contn Sheet

C C T E J I S T R T L O G & P H Ex 9 SEP 1942 to 7 Aug

1394/L

File No of 194

General and Revenue Secretariat

Serial No

action under Sec 196 ~~of~~ the disobedience could have been prevented by passing prohibitory orders if he had really felt the necessity of the same. Since such cases are likely to come up now & then it may be made clear to the D C S that unless the local funds are going to be utilised for addresses, action may not be taken under the extraordinary powers of control vested in them by the act many a time the functions lose their importance by an indifferent treatment shown to such resolutions on the occasions

Secretary)

Yrs
20 5 42

(2) It is necessary to issue general instructions to local ~~bodies and~~ Officers and Municipal councils & Dt Boards. The draft to which below may be sent for opinion to L S G Secretary & Minister Members

Yrs
17/6/42 19 6 42 19/6

DEWAN'S OFFICE
21 MAY 1942
NO 10146

P S
to
Dr Ul
21/5/42

OFFICE OF THE MINISTER
FOR L.S.G. & P.H.
Dt 18.6.1942
No 7879

Instructions re presentation of addresses and arranging civic receptions by Local Bodies (15

General and Revenue Secretariat | File No 4392/2 of 194 | [App F III—2

Serial No

CHIEF SECR ... 22 JUN 194 ... GOVT OF MYSORE

5) for favour of circulation

Chief Secy w/e

5) Submitted with a circulation memo

23/6/42

Signs

24/6

5) Submitted a DFN

log 17 42

Sgd 17

Submitted with a draft D F N as directed

Sgd 4/7/42 CS

NOTE—Contn Sheet

WD 04155—GPB—55 000—23 10-41

File No of 194

General and Revenue Secretariat

Serial No		

For Disposal by Circulation.

No C/091
of 1941-42 (16

GENERAL AND REVENUE SECRETARIAT

Council Matter

Subject

Instructions for the guidance of District Boards and Municipal Councils in the matter of presenting addresses and arranging civic receptions

ss/ Circulated to the Council of Ministers

By Order

24/6

23rd June 1942 — *Chief Secretary to Government*

8690/26 6 42 **Minister for Finance and Revenue** ss/ 26/6

13021/27 6 **Minister for Law** ss/ 27/6

6655/26 6 **Minister for Education** ss/ 28-6-42

8053/28 6 1942 **Minister for Local Self Government and Public Health** ss/ 28 6 42

WD 06346—GPB—500—21 3 42

60/ Law Secy W/C

30/6

Instructions re presentations of addresses and arranging civic receptions by Local Bodies

General and Revenue Secretariat — File No 128 of 1941 — [App I III—3

661

Serial No

6) A D N to put up Law Dept for 7/7/42

W D N published

Ministers Sec. Gen 7/7/42 for

1) two copies of signed N are put up for 15/7/42

Gen 16-7-42

6) S N, Submitted to Dewan

for

RECEIVED DEPT 1942 MYSORE

C THE MINISTER PPH 8 7 1942 310

NOTE— Co tn he t

WD 04126—G1B—8500— 1-10-41

File No of 194

General and Revenue Secretariat

Serial No

Final Note by the Minister for Local Self Government and Public Health

Subject —

Instructions for the presentation of addresses and for arranging civic receptions by the District Boards and the Municipal Councils in the State

There are provisions, as noted in the margin, under the several Municipalities Acts and the District Boards Act for according civic receptions and presenting addresses and for meeting the expenditure thereof out of the Municipal or District Board funds concerned In all such cases, the passing of a resolution by a specified majority and the previous sanction of Government or of the Deputy Commissioner, as the case may be, are necessary The Deputy Commissioners are also vested under these Acts with powers to suspend the execution of any such resolution if, in their opinion, its execution is likely to cause injury or annoyance to the public, or to lead to a breach of the peace or is unlawful and to refer the matter for the orders of Government One pre-requisite condition of any motion or proposition for being brought up in a meeting of the Municipal Council is that it shall relate to matters connected with Municipal administration

Mysore District Boards Act - Sections 45-(n) and 94-(1)
Mysore City Municipalities Act of 1933 - Sections 61-(s), 218 and 27
Mysore Town Municipalities Act of 1933 - Sections 58-(o), 27 and 194
Mysore Minor Municipalities Act of 1933 - Sections 23-(2)-(a), 35 and 36

In

(F N —contn)

In spite of the instructions issued by the Government to the Municipal Councils that the business transacted at their meetings should be confined to matters connected with the Municipal administration, instances are becoming common wherein local bodies are passing resolutions proposing presentation of addresses and arranging for receptions to persons un-connected with the Municipal administration, viz , political leaders and outsiders, some times involving expenditure out of the Municipal funds and at other times, the expenditure being met out of private subscriptions raised by individual members There are instances wherein the Municipal Councils have carried on the functions, in spite of the orders of the Deputy Commissioner suspending the execution of such resolutions One such instance is the case of the Chitaldrug Town Municipal Council This Municipal Council passed a resolution on 28th February 1942 to present an address to Mr H Siddiah, the then President of the Mysore Congress, and the Deputy Commissioner, Chitaldrug, by virtue of the powers vested in him under Section 194-(1) of the Mysore Town Municipalities Act, issued a notice suspending the execution of the resolution and calling upon the Municipal Council to show cause why the resolution should not be cancelled The Municipal Council flouted the orders of the Deputy Commissioner and carried on the function

As these receptions and addresses generally partake of the nature of party politics and are likely to lead to unnecessary friction among the members in the local bodies and to cause embarrassment to the local Officers, it i considered desirable, in the interests of the smooth working

(F N. comms

of the local bodies not to encourage public receptions of the above kind It is also necessary to limit civic receptions and addresses to high personages like His Excellency the Viceroy and His Highness the Maharaja of Mysore The local bodies may however, present addresses to Officers with whom they are officially connected, such as the Dewan and the Ministers, provided that such addresses are confined to local questions

(F Necessary instructions as indicated in the drafts, are accordingly proposed to be issued for the guidance of the local bodies and Officers The Dewan and other Ministers agree I solicit His Highness' gracious approval to the same

Bangalore
Dated 15th July 1942

Sd B Sivasubramanyam
MINISTER,
Local Self-Government &
Public Health

Submitted to His Highness

I submit herewith for His Highness s gracious approval a Final Note by the Minister for Local Self Government and Public Health on the subject of the instructions proposed to be issued for the presentation of addresses and arranging of civic receptions by the District Boards and the Municipal Councils in the State

N M a Rauf Dewan

Camp - Chitaldrug,
17th July 1942

D E W A N

Record of Cases submitted for the Orders of
His Highness the Maharaja

Subject

Instructions proposed to be issued for the presentation of addresses and arranging of civic receptions by the District Boards and the Municipal Councils in the State

Order

17/7/'42

General and Revenue

Secretariat

e1091 5392 1

SUBJECT —

Instructions proposed to be issued for the presentation of addresses and arranging of civic receptions by the District Boards and the Municipal Councils in the State

( )

14 All g t co fi l t l fil t rn d w th H Hgh d may th b f t t d t t tle t y b d ly l t d t th M t f r p l ft tl u f i

16 Th Se t n d h uld th t d the f d t b d t d th t the fil t d mm d t ly ft t th Ch f S t y f l t n to th M t

17 I ll th tle fil w ll fi t b l t d t tl M t t H d l t s d th n t t th S t t c d f th f d

Circulated to Council of Ministers for perusal of His Highness orders before/after issue of orders (*Vide* Rules 14 16 and 17 of the Subsidiary Rules for the conduct of business of Council in the Mysore Government Business Rules) ( )

Chief Secretary to Government

Through the Secretary to Government

Law Department

Minister for Finance and Revenue

Minister for Law

Minister for Education

Minister for Local Self Govt and Public Health

Law Secy, WCS

NOTE —Contn sheet

WD 06360—GPB—500—23 3 42

Instructions proposed to be issued for the presentation addresses and arrangements of civic receptions by the Local Bodies

General and Revenue Secretariat | 11L File No | of 1941 | [App F III-2

Serial No	
—	For orders of the two draft Questions may issue
2	Kum 25/7/42 GS 25/7/42
1	Issue L 25-7 WR

To,

The D.C.s of Districts
The M.C.B. only
The President, only M.C. Mysore
L 1173-83 dt 29 7 42
Tds a copy of the official memorandum issued and issues certain instructions in the matter.

The D.C.s/Districts
The M.C.B. only
The President, only M.C. Mysore.
L 1152-72/29 7 42
Issues certain instructions in the matter of presenting addresses and civic receptions.

(The Govt Resolutions to be printed duly with a copy thereof as above)

The file with it approved be recorded after hearing Secretariat

yes L

B 11/8/42

GS 8/8

NOTE—Cont Sheet

WD 041 5—GPB—55 000—23-10-41

File No of 194

General and Revenue Secretariat

Serial No

5155/L

Office of the Deputy Commissioner,
Chitaldrug District,
Chitaldrug, dated, 1st March 1942.

No AC.C.2843/41
Encls:3

RCl 128-41-.

SECY & LSG BRANCH 4 MAR 1942

From

R.P. Mallappa, Esq, B.A, LL B.,
Deputy Commissioner, Chitaldrug District,
CHITALDRUG

To

H.V. Narayana Rao, Esq, B A, LL.B,
Secretary to Government, Law Department,
BANGALORE.

Sir,

Subject:- Suspension of the resolution No 21(a) dated 28th February 1942 of the Chitaldrug Town Municipal Council proposing to present an Address to Mr H Siddaiah Mysore Congress President on the occasion of his visit to Chitaldrug.

SECY LAW DEPT 3 MAR 1942 GOVT OF MYSORE

I have the honour to forward herewith a copy of letter No H.C 89/41-42 dated 28th February 1942 from the President, Town Municipal Council, Chitaldrug together with a copy of the resolution pertaining to Subject No.21(a) of Chitaldrug Town Municipal Council dated 28th February 1942 and to state that the proposition relating to the presentation of an Address to Mr.H Siddaiah, Mysore Congress President, on the occasion of his visit to Chitaldrug, is on the face of it not a matter connected with the Municipal Administration The provisio under section 27(3) of the Mysore Town Municipalities Act 1933 and instructions in Government Order No L.5038-47/Ml 133-37-1 dated 4th December 1937 are very clear on the point. As the resolution to present an Address to the Mysore Congress President does not relate to matter connected with Municipal Administration and is clearly in violation of the provisions of the Act, I have issued a notice under Section 194(1) of the Town Municipalities Act to the President, Town Municipal Council, Chitaldrug to show cause why Government should not cancel the said resolution a copy of which is enclosed for the information of Government.

A further report will be submitted on receipt of a reply from-

from the President, Chitaldrug Town Municipal Coucil to

have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Chitaldrug District.

No A6 C 2843/41-42

Office of the Deputy Commissioner,
Chitaldrug District,
Chitaldrug, dated, 1st March 1942

References:-

Letter No H.C.89/41-42 dated 28th February 1942 from the President, Town Municipal Council, Chitaldrug, enclosing an extract from the Proceedings of the Ordinary - General Meeting of the Chitaldrug Town Municipal Council - held on 28th February 1942 of the Municipal Resolution on - Subject No 21(a) in respect of the presentation of an addresss to Mr H Siddaiah, Mysore Congress President on the occasion of his visit to Chitaldrug, the cost being borne by each of of the member of the Council who would agree to do so

---

ORDER

The proposition relating to the presentation of an Address to Mr.H Siddaiah, Mysore Congress President is on the face of it a matter not connected with the Municipal Administration. Under proviso to section 27(3) of the Mysore Town Municipalities Act the motion or proposition of which a - Councillor or Councillors shall have given notice should - relate to matters connected with the Municipal Administration and shall not be inconsistent with the provisions of the - said Act. This has also been pointed out by Government in their order No L 5038-47/Ml 133-37-1 dated 4th December 1937. It is highly irregular on the part of the Municipal President to have allowed the proposition regarding the presentation of the Municipal Address to Mr.H Siddaiah, Mysore Congress President, to be discussed in the Municipal Council when it did not relate to Municipal Administration and to have passed a resolution thereon for presenting the address to him He has acted in a very irresponsible manner without due regard to the provisions of the Town Municipalities Act The Resolution is clearly unlawful

In the above circumstances and in virtue of the - powers vested in me under section 194(1) of the Town Municipalities Act 1933, the above said resolution on subject No.21(a) dated 28th February 1942 of the Chitaldrug Town Municipal - Council is hereby suspended from execution The Chitaldrug Town Municipal Council is here by directed to show cause -

cause within a week from the date of service of this notice why the said resolution of the Municipal Council should not be cancelled by Government.

Deputy Commissioner,
Chitaldrug District

Copy of letter dated the 28th February 1942 from the President, Chitaldrug Town Municipal Council, Chitaldrug to the Deputy Commissioner, Chitaldrug District.

Subject: Presentation of an address to Mr. H Siddaiah, President, Mysore State Congress

---

I have the honour to forward herewith a copy of the Resolution of the Municipal Council Meeting held on 28 2 1942 for favour of kind information.

'Copy'

Deputy Commissioner,
Chitaldrug District

Extract from the Proceedings of the Ordinary General Meeting of the Chitaldrug Municipal Council held on 28th February 1942

Present:- B Venkatashamanna,Esq ,B A ,B L , President.

2. Thippaiah,Esq ,Vice-President
3 Kasi Keshava Setty,Esq.
4. C Thimmappa,Esq.
5. D Bommanna,Esq ,
6. G Mahadevappa,Esq ,
7 T Hanumaiah,Esq
8. C A Rahim,Esquire
9 B Doraswamy,Esq ,
10. S Ranga Rao,Esq ,
11. S.Ganapatiyappa,Esq ,
12. M Nanjappa,Esq ,
13 M Shaik Ahmed,Esq ,

Municipal Councillors

14. S B Ramachandra Murthy,Esq *Ex.Officio Ml Councillor*

Absent:-

1. T.B Shama Rao,Esq
2. G P Vasudeva Rao,Esq ,
3 K S.Keshavamurthy,Esq ,
4 D Horakerappa,Esquire,

Municipal Councillors

5 The Executive Engineer, *Ex-Officio MunicipalCouncillor*

X X X X X X X X

Subject No 21(a)

Proposition of Mr.S.Ranga Rao Municipal Councillor proposing to present an Address to Mr.H. Siddaiah,Mysore Congress President, on the occasion of his visit to Chitaldrug The cost shall be borne by each of the member of the council who would agree to do so	Eight in favour of two - against Passed by the majority A committee be appointed consisting of three members to draft - and arrange President, Mr S Ranga Rao, Mr Hanumaiah

X X X X X X

SD/- B Venkatashamanna.
President.

"COPY"

Deputy Commissioner,
Chitaldrug District

5327/L

IMMEDIATE

Office of the Deputy Commissioner,
Chitaldrug District,
Chitaldrug, dated, 7th March 1942.

No.A6 C 2843/41-42
Encls:-

Mc 126-41-33

GEN & P V SECT II
10 MAR 1942
L S BRANCH

From

R.P Mallappa, Esq, B A., LL.B,
Deputy Commissioner, Chitaldrug District,
CHITALDRUG.

To

H V Narayana Rao, Esq, B.A, LL B,
Secretary to Government, Law Department,
BANGALORE.

Sir,

Subject:- Suspension of the resolution No 21(a) dated 28th February 1942 of the Chitaldrug Town Municipal Council proposing to present an Address to Mr H.Siddaiah, Mysore Congress President on the occasion of his visit to Chitaldrug.

In continuation of my letter No A6.C 2843/41-42 dated 1st March 1942 on the above subject, I have the honour to enclose a copy of the proceedings of the special general meeting of the Town Municipal Council, Chitaldrug held on 6th March 1942 in connection with a notice issued to the Municipal Council to show cause why Government should not cancel the said resolution, as the matter to present an Address to the Mysore Congress President is one which does not relate to Municipal Administration and as such it is clearly unlawful and contrary to provisions of the Act The resolution is clearly illegal and does not show satisfactory grounds for not cancelling the resolution on subject No 21(a) dated 28th February 1942 It is also worded in an objectionable manner When the execution of the resolution on subject No 21(a) dated 28th February 1942 is suspended under section 194(1) of the Town Municipalities Act, the Council without regard to this order of suspension resolves to call upon the Sub Committee to carry on the express mandate of the Council in its meeting held on 28th February 1942. This is in clear violation of the lawful order issued by the Deputy Commissioner in virtue of powers vested in him under section 194(1) of the Town Municipalities Act The members of the Municipal Council appear to

to be acting in an irresponsible manner without due regard to provisions of the Act and instructions of Government in the - Government Order No L 5038-47/Ml 133-37-1 dated 4th December 1937 They have no respect to the lawful order of the Deputy Commissioner suspending the execution of the resolution on subject No 21(a) - dated 28th February 1942. Such a Council having no regard to Law and rules deserves to be superceded In the above circumstances, I request that Government may be pleased under Section 194(2) of the Mysore Town Municipalities Act to confirm the order of suspension passed by me in respect of resolution on subject No 21(a) dated 28th February 1942 and the same may kindly be intimated to me by wire tomorrow, if possible, as the address in the name of the Municipal Council is likely to be presented to the President of the Mysore Congress on the 9th instant

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Chitaldrug District.

Proceedings of the Special General Meeting of the Town Municipal Council Chitaldrug, held on Friday 6th March 1942 at 5 30 P M , in the Council Chamber of the Town Municipal Office, Chitaldrug

Present.

1.	B Venkatashamanna,Esq ,B A ,B L	President
2	Thippaiah,Esq , Vice-President	
3.	C Abdul Rahim,Esquire	/
4	Doddamane Bommanna,Esq ,	/
5.	L Gangadharappa,Esq ,	/
6	S Ranga Rao,Esq ,	/
7	Kasi Keshava Setty,Esq ,	/ Municipal Councillors
8	C Mahadevappa,Esq ,	/
10	S Ganapathiyappa,Esq	/
11	K S Kesavamurthy Rao,Esq ,	/
12	M Nanjappa,Esq ,	/
13	Hanumaiah,Esq ,	/

Absent

1.	The Executive Engineer	/
2	The District Medical Officer	
3	Chalpindi Thimmappa,Esq.	/
4	T B Shama Rao,Esq ,	/ Municipal Councillors
5	B Doraswamy,Esq.,	/
6	M Shaik Ahmed,Esq ,	/
7	D Horakerappa,Esq ,	/

Subject No 1

Deputy Commissioner's No A6 C 2843/41-42 dated 1.3 1942 re: Subject: Suspension of the Resolution No 21(a) dated 28 2 42 of the Chitaldrug Town Municipal Council, proposing to present an address to Mr H Siddaiah, Mysore Congress President on the occasion of his visit to Chitaldrug.

Resolutions:-

Resolution moved by Mr S Ranga Rao. Read letter No A6 C 2843/41-42 dated 1 3 1942 from the Deputy Commissioner, Chitaldrug The Council is of opinion that the resolution referred to by him does not in any way cause injury or annoyance to the public or breach of peace or is unlawful The resolution of the Council does not under any stretch of imagination, come within the powers of Deputy Commissioner, under Section 194 of the Mysore Town Municipalities Act and the Council therefore resolves to call upon committee appointed for the purpose to carryon the ~~wx~~ express mandate of the Council in its meeting held on 28 2.42 (Mr.S Ranga Rao further moved that Mr S Ranga Rao, a member of the Said Committee isappointed as its convenor and is authorised to make all necessary arrangements in consultation with the other members of the Committee) The portion in brackets is disallowed

Seconded by Mr.L Gangadharappa, Mr.Abdul Rahim opposed. Mr K S Keshavamurthy Rao also spoke Mr S.Ranga Rao replied.

Voting

9 persons voted in favour of resolution, 3 voted against it and 1 neutral

For the propositions:- Messrs S Ranga Rao, Gangadharappa, Mahadevappa, Vasudeva Rao, Hanumaiah, -

5392/L

Tl Add —Dp
CHITALDRUG

I ply pl e efe to
N A6 C 2843/41-42
E l es one

FROM

OFFICE OF THE DEPUTY COMMISSIONER
CHITALDRUG DISTRICT

Dated Chitaldrug 11th March 1942

R P MALLAPPA ESQ BA LLB
Deputy Commissioner
Chitaldrug District
CHITALDRUG

F CF T TER
L 12/3/42
13 3 42
5 5 1 To

H V Narayana Rao, Esq, B.A, L.L.B
Secretary to Government of Mysore
Law Department
BANGALORE

Sir

SUBJECT — Suspension of the resolution No 21(a) dated 28th February 1942 of the Chitaldrug Town Municipal Council proposing to present an Address to Mr H Siddaiah Mysore Congress President on the occasion of his visit to Chitaldrug

---

In continuation of letter No A6 C 2843/41-42 dated 7th March 1942 I have the honour to enclose a printed copy of the Address in the name of the Chitaldrug Town Municipal Council presented by the members of the Municipal Council to Mr H Siddai Mysore Congress President at Chitaldrug on the 9th March 1942 The non-official President, Mr B Venkatashamanna, finding himsel placed in a very inconvenient position left for Shimoga and did not take part in the framing of the address The defiant attitude of the Municipal Council in presenting the address when the execution of the resolution on subject No 21(a) was suspended - by the Deputy Commissioner cannot be tolerated It is one Mr S Ranga Rao, Municipal Councillor, who is said to behave rudely in the Municipal Council is responsible for the getting up of this address in defiance of the suspension order of the Deputy Commissioner He is also the mover of the resolution at the - special meeting of the Municipal Council on 6th March 1942 - against the suspension order He deserves to be removed from

from the Municipal Council but under section 14 of the Town Municipalities Act the recommendation of the Municipal Council will be necessary which is rather difficult to secure Under section 202(1) of the Mysore Town Municipalities Act Government have power to supercede the Council under certain circumstances I feel that this is a fit case in which Government will have to warn the Municipal Council this time if not - supercede for having presented the Address to Mr H Siddiah in defiance of the suspension order passed by the Deputy - Commissioner in virtue of the powers vested in him under - Section 194(1) of the said Act

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Chitaldrug District

ಮೈಸೂರು ಕಾಂಗ್ರೆಸ್ಸಿನ ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರಾದ

ಶ್ರೀಮಾನ್ ಹೆಚ್ ಶಿದ್ದಯ್ಯ, ಬಿ ಎ, ಎಲ್ ಎಲ್ ಬಿ

ಇವರ ಸನ್ನಿಧಾನದಲ್ಲಿ

ಚಿತ್ರದುರ್ಗದ ಪೌರಸಭೆಯು ವಂದನಾಪೂರ್ವಕವಾಗಿ ಅರ್ಪಿಸಿದ

ಬಿನ್ನವತ್ತಳೆ

ಸ್ವಾಮಿ,

ತಮ್ಮ ಅನಂತ ಕಾರ್ಯಗೌರವಗಳ ನಡುವೆ ಒಡವು ಕಲ್ಪಿಸಿಕೊಂಡು ನಮ್ಮ ಚರಿತ್ರಾರ್ಹವಾದ ನಗರಕ್ಕೆ ದಯ ಮಾಡಿಸಿದ್ದಕ್ಕಾಗಿ ನಮಗೆ ಗರುವ ಆನಂದವನ್ನು ವ್ಯಕ್ತಪಡಿಸುತ್ತೇವೆ ಹಾಗೂ ಹತ್ತಿ ನೆಲಗಡಲೆ ವಗೈರೆಗಳ ವ್ಯಾಪಾರಕ್ಕೆ ನೆಲೀಡಾದ ವಾಣಿಜ್ಯ ಕೈಗಾರಿಕೆಗಳು ದಿನ ದಿನವೂ ವೃದ್ಧಿಯಾಗುತ್ತಿರುವ ಈ ಜಿಲೆಯ ಕೇಂದ್ರನಗರವಾದ ಚಿತ್ರದುರ್ಗಕ್ಕೆ ತಮ್ಮನ್ನು ಹೃತ್ಪೂರ್ವಕವಾಗಿ ಸ್ವಾಗತಿಸುತ್ತೇವೆ

ತಾ 23-3-42 ರಲ್ಲಿ ಕಾಂಗ್ರೆಸ್ಸೇತರ ಸದಸ್ಯರೇ ಇರುವ ತಪುಳ್ಳ ನಮ್ಮ ಪೌರಸಭೆಯು ತಮಗೆ ಮಾನಪತ್ರ ವನ್ನರ್ಪಿಸಬೇಕೆಂದು ತೀರ್ಮಾನಿಸಿದ ಪ್ರಕಾರ ಇಂದು ತಮಗೆ ಈ ಮಾನಪತ್ರವನ್ನರ್ಪಿಸಲು ತುಂಬಾಸಂತೋಷಪಡುತ್ತೇವೆ

ತಾವು ಸರ್ವಜನಿಕ ಸಂಸ್ಥೆಗಳಲ್ಲಿಯೂ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳಲ್ಲಿಯೂ ಮತ್ತು ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯಲ್ಲಿಯೂ ಅನೇಕ ವರ್ಷಗಳಕಾಲ ಸದಸ್ಯರಾಗಿದ್ದುಕೊಂಡು ನಾಡಿನ ಕಲ್ಯಾಣಕ್ಕಾಗಿ ಜನತೆಯ ಹಿತಕ್ಕಾಗಿ, ಬಹಳವಾಗಿ ದುಡಿದಿದ್ದೀರಿ ತಾವು ಜಿಲ್ಲಾಸಂಸ್ಥೆಯ ಅಧ್ಯಕ್ಷರಾಗಿದ್ದಾಗ ಲವಮೊಗ ನಗರ ಸಭೆಯ ಸದಸ್ಯರಾಗಿದ್ದಾಗ ಸಲ್ಲಿಸಿರುವ ಸೇವೆಗಳು ಚಿರಸ್ಮರಣೆಯವಾಗಿವೆ ಎಂಬುದನ್ನು ನಾವು ತಿಳಿದ್ದೇವೆ ನಾನಾ ಸಂಸ್ಥೆಗಳಿನ್ನು ಸೇವೆಯನ್ನೆ ನಾವೆಷ್ಟು ಧನ್ಯವಾದಗಳನ್ನರ್ಪಿಸಿದರೂ ತೀರದು

ತಾವು ಇದುವರೆವಿಗೂ ಜನತೆಯ ಹಿತಕ್ಕಾಗಿ ಪಡಿಪಾಡಿದ ತೆ ಇನ್ನುಮುಂದೆಯೂ ತಮ್ಮಿಂದ ಹೆಚ್ಚಿನ ಸೇವೆಗಳು ಸಲ್ಲಲೆಂದು ಹಾರೈಸುತ್ತೇವೆ ರಾಷ್ಟ್ರಪ್ರೇಮಿಗಳಾದ ತಮಗೆ ಪರಮಾತ್ಮನು ದೀರ್ಘಾಯುರಾರೋಗ್ಯಗಳನ್ನಿತ್ತು ರಕ್ಷಿಸಲೆಂದು ಪ್ರಾರ್ಥಿಸುತ್ತೇವೆ

ಚಿತ್ರದುರ್ಗ
ತಾ|| 9—3—42

ತಮ್ಮ ಹಿತಾಭಿಲಾಷಿಗಳಾದ
ಚಿತ್ರದುರ್ಗ ಪೌರಸಭಾ ಸದಸ್ಯರು

ಸಕ್ಕರೆ ಪ್ರೆಸ್ ಚಿತ್ರದುರ್ಗ

√.O 2 Copys

DRAFT

L 1152-72

ML 128-41-36

8/7 28 7 42

ML 128-41-36

Official memorandum

(~~DRAFT CIRCULAR.~~)

Government are pleased to issue the following instructions for the guidance of District Boards and Municipal Councils in the matter of presenting addresses and arranging civic receptions —

Civic receptions and presentation of addresses ~~and civic receptions~~ are considered appropriate only in the case of high personages like His Excellency the Viceroy and His Highness the Maharaja

There is, however, no objection to the presentation of addresses to officers with whom the local bodies are officially connected, such as the Dewan and the Ministers, provided that the addresses are confined to local questions In these cases no expenditure from the funds of the local body will be sanctioned, except in so far as it is necessary to cover the cost of printing, postage and other contingencies

By order

Secretary to Government
Law Department
9-7-42

To

The Dy Comrs of Districts
The presidents of Dists Boards (~~Municipalities~~)
The Mil Comrs Bangalore & Civil & Mily Station
The president Mysore Cantonment Board

L 1173-83
Mil 28-41-35

L 1173-83
Mil 28-41-35
Or 2877/42

DRAFT LETTER TO DEPUTY COMMISSIONERS

CONFIDENTIAL

Dear Mr

I am directed to enclose herewith for your information a copy of the Circular issued by Government for the guidance of the District Boards and Municipal Councils in the matter of presenting addresses and arranging civic receptions

While Government trust that the local bodies will adhere to these instructions I am to say that even in cases where resolutions are passed proposing to present addresses to persons who are not officially connected with the local bodies there need be no interference provided that -

(1) no part of the expenditure is proposed to be met from the funds of the concerned local body and
(2) there are no reasons for apprehending a breach of the peace on account of the existence of factions etc

I am to add that when local bodies propose to present addresses to leaders of any political party, Government servants need not attend the functions

Yours sincerely

HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Bangalore Dated 28th July 1942

1173-83/MI 128-41 36

Sir

I am directed to enclose herewith for your rmation a copy of the Official Memorandum issued by rnment for the guidance of the District Boards and icipal Councils in the matter of presenting addresses arranging civic receptions

While Government trust that the local bodies all adhere to these instructions I am to say that even n cases where resolutions are passed proposing to resent addresses to persons who are not officially onnected with the local bodies there need be no inter- erence provided that -

(1) no part of the expenditure is proposed to be met from the funds of the concerned local body and

(2) there are no reasons for apprehending a breach of the peace on account of the existence of factions etc

I am to add that when local bodies propose to present addresses to leaders of any political party Government servants need not attend the functions

Yours sincerely,

S O

Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT

No L 1152 72/Ml 128 41 35 Dated Bangalore 28th July 1942

Instructions for the guidance of District Boards and Municipal Councils in the matter of presenting addresses and arranging Civic Receptions

Issues———

OFFICIAL MEMORANDUM

Government are pleased to issue the following instructions for the guidance of District Boards and Municipal Councils in the State in the matter of presenting addresses and arranging civic receptions -

Civic receptions and presentation of addresses are considered appropriate only in the case of high personages like His Excellency the Viceroy and His Highness the Maharaja

There is however no objection to the presentation of addresses to officers with whom the local bodies are officially connected such as the Dewan and the Ministers provided that the addresses are confined to local questions In these cases no expenditure from the funds of the local body will be sanctioned except in so far as it is necessary to cover the cost of printing postage and other contingencies

By Order

Secretary to Government
Law Department

To--The Deputy Commissioners of Districts
The Presidents of District Boards
(through the Deputy Commissioners)
The Municipal Commissioner Bangalore City Municipality
(through the President)
The President Mysore City Municipal Council
The Comptroller to Government